Item # BV2007-105

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: **9401 Via Palma Ceia** – Phillip Musarra, applicant; Request for a rear yard setback variance from 30 feet to 15 feet for a proposed garage in R-1A (Single Family Dwelling District).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 9/24/07 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **DENY** the request for a rear yard setback variance from 30 feet to 15 feet for a proposed garage in R-1A (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 15 feet for a proposed garage in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant:	Musarra Phillip
	Location:	9401 Via Palma Ceia
	Zoning:	R-1A (Single Family Dwelling District)
	Subdivision:	Bear Lakes Heights
BACKGROUND / REQUEST	• The applicant proposes to construct a 25 foot by 34 foot garage that will encroach 15 feet into the required 30-foot rear yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.	
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: • No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands,	

	structures or building in the same zoning district. • Special conditions and circumstances result from the actions of the applicant. • The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district. • The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification. • The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure. • The applicant would still retain reasonable use of the land, building or structure without the granting of the variance. • The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the Board should decide to grant a variance, staff recommends the following conditions of approval: • Any variance granted shall apply only to the garage as depicted on the attached site plan; and • Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS
Items that are checked are included in the packet

- ☒ Staff Report
- ☒ Application
- ☐ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☐ PUD Commitment Card, *if applicable*

Support information:

- ☐ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☐ Supporting documentation
- ☐ Letters of support
- ☐ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents

- ☒ Proposed Development Order

Fee: $150.00 plus $50.00 for each additional variance

Application # BV2007-105
Meeting Date 9-24-07

COPY

VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT *(If you are not the owner please provide a letter of authorization from the owner)*

Name: Phillip MUSARRA
Address: 9401 VIA PALMA CIR City: APOPKA Zip code: 32703
Project Address: SAME AS ABOVE City: Zip code:
Contact number(s): (407) 620-0991 cell
Email address:

Is the property available for inspection without an appointment? ☐ Yes ☐ No

What type of structure is this request for?	
[ ] Shed	*Please describe:*
[ ] Fence	*Please describe:* RECEIVED AUG 0 2 2007
[ ] Pool	*Please describe:*
[ ] Pool screen enclosure	*Please describe:*
[ ] Addition	*Please describe:*
[ ] New Single Family Home	*Please describe:*
[✓] Other	*Please describe:* GARAGE/STORAGE
[ ] This request is for a structure that has already been built.	

What type of variance is this request?				
[ ] Minimum lot size	Required lot size:		Actual lot size:	
[ ] Width at the building line	Required lot width:		Actual lot width:	
[ ] Front yard setback	Required setback:		Proposed setback:	
[✓] Rear yard setback	Required setback:	30 ft.	Proposed setback:	15 ft.
[ ] Side yard setback	Required setback:		Proposed setback:	
[ ] Side street setback	Required setback:		Proposed setback:	
[ ] Fence height	Required height:		Proposed height:	
[ ] Building height	Required height:		Proposed height:	
Use below for additional yard setback variance requests:				
[ ] _____ yard setback	Required setback:		Proposed setback:	
[ ] _____ yard setback	Required setback:		Proposed setback:	
[✓] Total number of variances requested 1				

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: [signature] 8-2-07

FOR OFFICE USE ONLY

Date Submitted: 8-2-07 Reviewed By: P. Johnson

Tax parcel number: 19-21-29-505-0000-0080 Zoning/FLU R-1A / LDR

[ ] Legally created parcel *(1971 tax roll, 5-acre dev, lot split)*

[ ] Platted Lot *(check easements as shown on lots, in notes or in dedication)*

[ ] Lot size _____ [ ] Meets minimum size and width

[ ] Application and checklist complete

Notes: _____

VARIANCE SUBMITTAL CHECKLIST

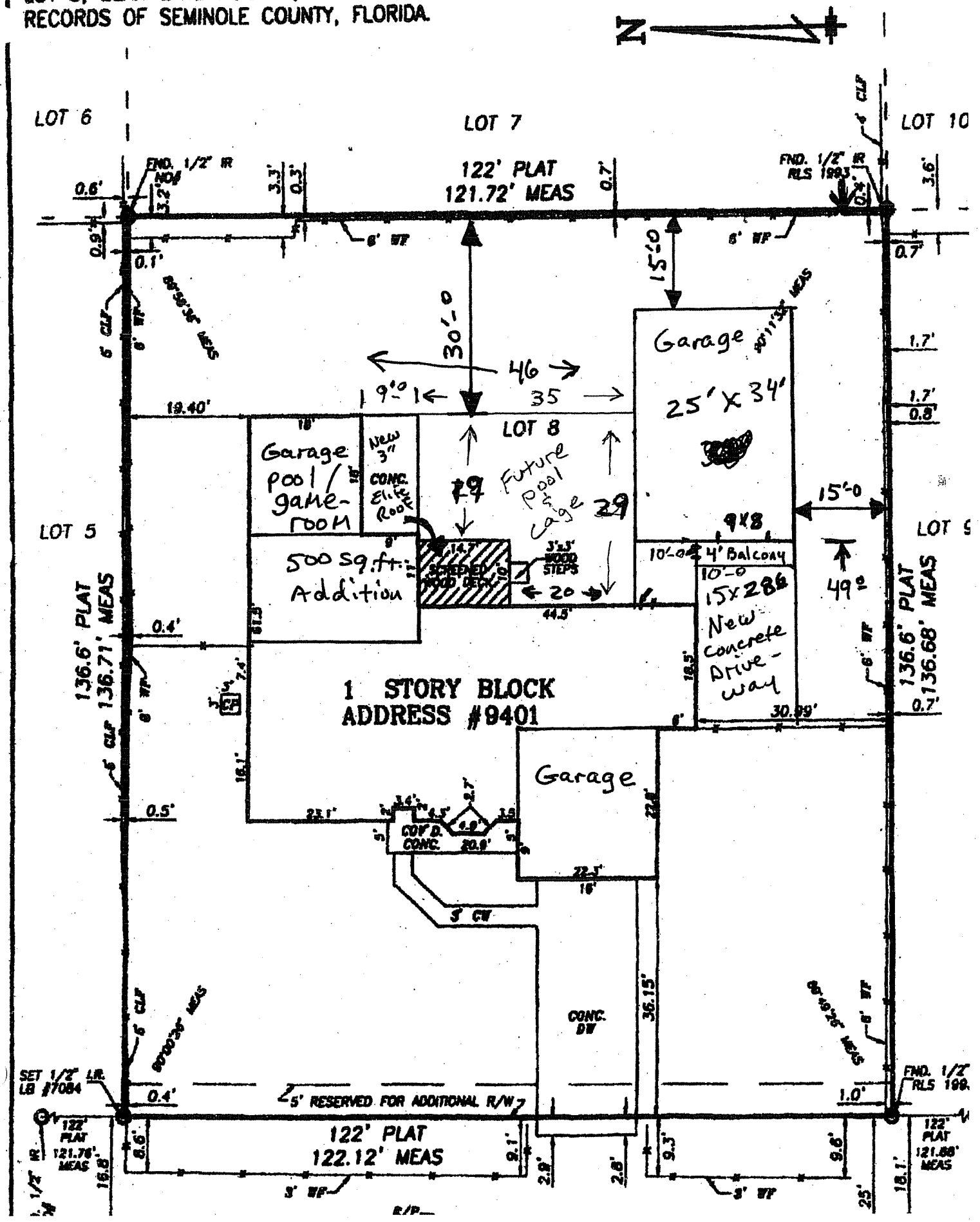
Please return this checklist with your application!

	After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.
	1. Completed application.
	2. Owner's authorization letter (if needed). *This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp*
	3. Provide a legible 8 ½ x 11 inch site plan with the following information ***NOTE: Please use your property survey for your site plan, if available.*** ***See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.***
	o Please start with a clean survey *(ex: white out old approval stamps)*
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house <u>or</u> addition *(Label existing, label proposed, and include square footage and dimensions of each)*
	o Existing and/or proposed buildings, structures and improvements *(Label existing, label proposed, and include square footage and dimension of each)*
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities *(ex: water, sewer, well or septic)*
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

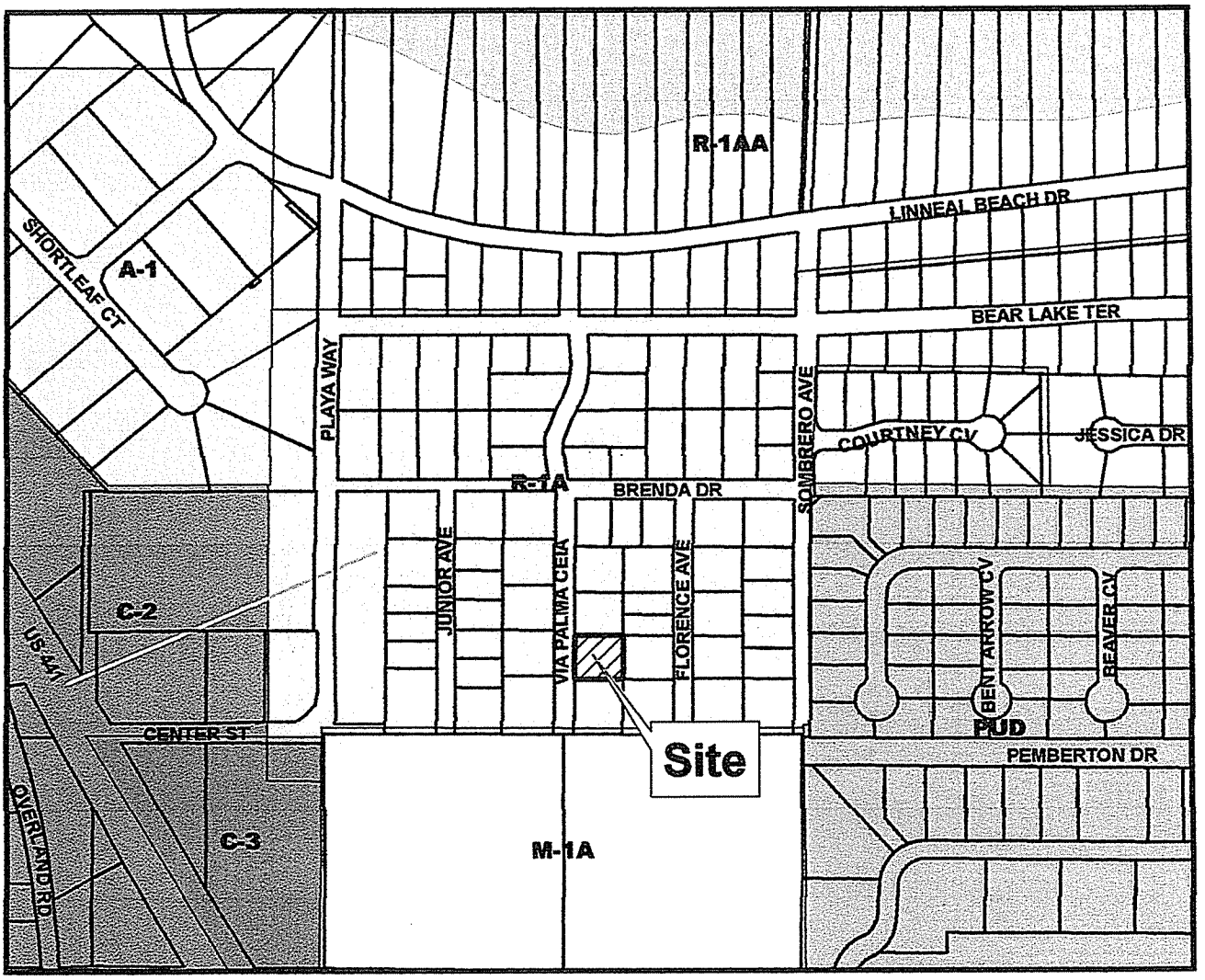
MAP OF SURVEY

DESCRIPTION

LOT 8, BEAR LAKE HEIGHTS, BLK. "C", AS RECORDED IN PLAT BOOK 10, PAGE 20, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



Phillip Musarra
9401 Via Palma Ceia
Apopka, Florida 32703

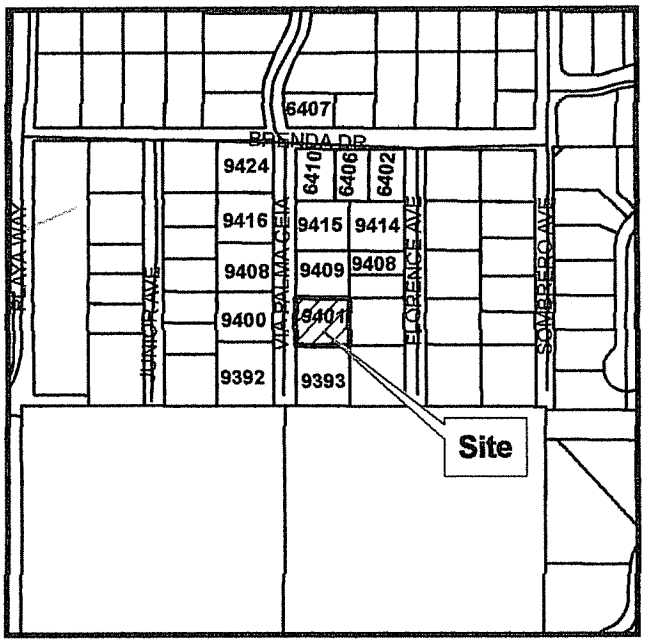


Seminole County Board of Adjustment
September 24, 2007
Case: BV2007-105 (Map 3207, Grid A3)
Parcel No: 19-21-29-505-0000-0080

Zoning

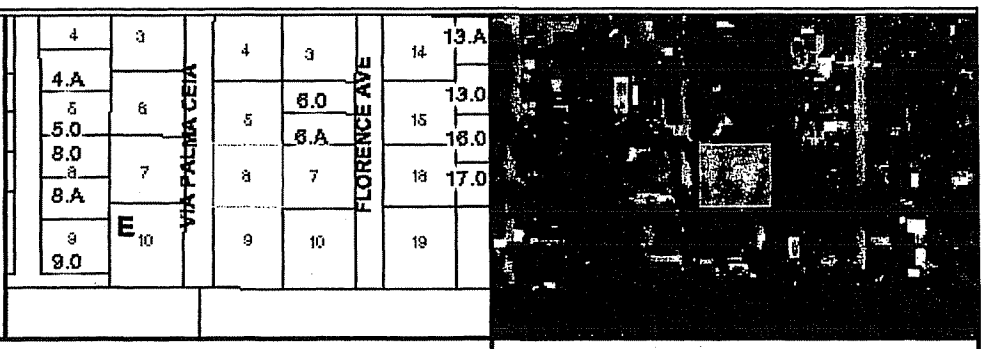
- BV2007-105
- R-1A
- M-1A
- A-1
- C-2
- PUD
- R-1AA
- C-3

N



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA
PROPERTY APPRAISER
SEMINOLE COUNTY FL.
1101 E. FIRST ST
SANFORD, FL 32771-1468
407-665-7506



GENERAL

Parcel Id: 19-21-29-505-0000-0080
Owner: MUSARRA PHILLIP
Mailing Address: 9401 VIA PALMA CEIA
City,State,ZipCode: APOPKA FL 32703
Property Address: 9401 VIA PALMA CEIA APOPKA 32703
Subdivision Name: BEAR LAKE HEIGHTS BLK C
Tax District: 01-COUNTY-TX DIST 1
Exemptions: 00-HOMESTEAD (1997)
Dor: 01-SINGLE FAMILY

2007 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	$275,070
Depreciated EXFT Value:	$1,271
Land Value (Market):	$36,000
Land Value Ag:	$0
Just/Market Value:	$312,341
Assessed Value (SOH):	$153,160
Exempt Value:	$25,000
Taxable Value:	$128,160

Tax Estimator

Tax Reform Analysis

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	08/1995	02963	1911	$22,000	Vacant	Yes

Find Comparable Sales within this Subdivision

2006 VALUE SUMMARY

Tax Amount(without SOH):	$4,145
2006 Tax Bill Amount:	$2,005
Save Our Homes (SOH) Savings:	$2,140
2006 Taxable Value:	$124,424

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	36,000.00	$36,000

LEGAL DESCRIPTION

PLATS: Pick...

LEG LOT 8 BEAR LAKE HEIGHTS BLK C PB 10 PG 20

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1996	12	1,728	3,083	2,170	CB/STUCCO FINISH	$275,070	$287,279

Appendage / Sqft	GARAGE FINISHED / 306
Appendage / Sqft	BASE / 442
Appendage / Sqft	OPEN PORCH FINISHED / 99
Appendage / Sqft	GARAGE FINISHED / 508

NOTE: *Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished,Base Semi Finshed*

Permits

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
WOOD DECK	1996	130	$364	$650
ALUM SCREEN PORCH W/CONC FL	1997	160	$907	$1,360

NOTE: *Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad*

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 24, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 BEAR LAKE HEIGHTS BLK C PB 10 PG 20

(The aforedescribed legal description has been provided to Seminole County by the owner of the aforedescribed property.)

FINDINGS OF FACT

Property Owner: Musarra Phillip
9401 Via Palma Ceia
Apopka Fl 32703

Project Name: Via Palma Ceia (9401)

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 15 feet for a proposed garage in R-1A (Single Family Dwelling District).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforedescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED.**

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The variance granted will apply only to the garage as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforedescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Dori L. DeBord
Planning & Development Director

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____day of _____, 2007.

_____
Notary Public, in and for the County and State Aforementioned

My Commission Expires: